

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**LINDA C.,**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,**

**Defendant**

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**No.: 1:18-cv-00138-JHR**

**ORDER**

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's September 19, 2018, Order and Judgment remanding this case to the defendant Acting Commissioner for further administrative proceedings,

IT IS HEREBY ORDERED that the United States Social Security Administration shall pay attorney's fees of three thousand six hundred fifty-two dollars and seventy-six cents (\$3,652.76) in full satisfaction of any and all attorney's fee claims Plaintiff may have in this case under the Equal Access to Justice Act.

IT IS FURTHER ORDERED that costs in the amount of four hundred dollars and zero cents (\$400.00), shall be paid from the Judgment Fund to Plaintiff by the Secretary of the Treasury after certification by the Attorney General, pursuant to 28 U.S.C. § 2414, as referenced in 28 U.S.C. § 2412(d).

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 560 U.S. 586 (2010), attorney fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor the Plaintiff's signed assignment of EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fees remaining after such offset to Plaintiff rather than to counsel.

SO ORDERED, this 21<sup>st</sup> day of December, 2018.

/s/ John H. Rich III  
John H. Rich III  
U.S. Magistrate Judge